

**STATE OF CALIFORNIA  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD  
MINUTES OF THE PUBLIC MEETING & CLOSED SESSION  
Held on February 6, 2013  
Sacramento, California**

**PRESENT:**

Art Carter, Chairperson  
Ed Lowry, Member  
Judith Freyman, Member  
Kari Johnson, Acting Executive Officer  
Ursula Clemons, Presiding Administrative Law Judge  
Martin Fassler, Presiding Administrative Law Judge  
Jeff Mojcher, Chief Counsel  
Thomas Song, Industrial Relations Counsel II  
Lee Berlin, Executive Secretary  
Marti Fisher, California Chamber of Commerce

**MINUTES OF JANUARY 16, 2013 MEETING:**

*(Approve or amend minutes of previous Board meeting)*

ACTION: Member Lowry moved that the Board approve the draft minutes of the January 16, 2013 Board Meeting. Member Freyman seconded. The Board voted to approve the draft minutes of the January 16, 2013 Board Meeting.

**ADMINISTRATIVE MATTERS:**

*(Information regarding the general administration of cases pending before the Appeals Board)*

1. 2012 RULEMAKING MATTERS

*(Discuss/implement Board rulemaking changes)*

ACTION: Acting Executive Officer Johnson reported that the comment period for the current rule package closed on January 25. She reported that several public comments were received and if they are timely they will be summarized in the final Statement of Reasons along with the Board's responses. The public comments will also be posted on the Board's website. The new Government Code rules state that regulations are only effective every quarter, rather than 30 days after filing. As such, it is unlikely the regulations will be effective April 1, 2013, and will be effective more likely July 1, 2013, should the Board approve the currently proposed version. Staff will prepare a draft Final Statement of Reasons summarizing and addressing every comment properly submitted during the two comment periods.

**NEW BUSINESS:**

*(The Appeals Board hears and discusses new reports presented by staff.)*

1. 2012/2013 BUDGET:

*(Review and discuss budget issues for the fiscal year)*

ACTION: No report.

**OLD BUSINESS:**

*(The Appeals Board hears and/or discusses matters on a follow-up basis.)*

ACTION: No report.

**LEGISLATION:**

*(Review and discuss current legislation which may affect the Appeals Board)*

ACTION: No report.

**CHAIRPERSON'S REPORT:**

*(Hear report from the Chairperson on activities and issues affecting the Appeals Board.)*

ACTION: Chair Carter reported that he and Acting Executive Officer Johnson attended the Department of Industrial Relations 2013 Strategic Planning Meeting. Plans outlined at the meeting include more sharing of efficiencies between departments. Chair Carter also reported that he would be attending the DOSH Advisory Committee Meeting on February 7. Chair Carter requested the OSHAB Presiding Administrative Law Judges make a plan to present training to the public and DOSH inspectors to help make the appeals process more accessible.

**BOARD MEMBERS' REPORTS:**

*(Hear reports from Board Members on activities and issues affecting the Appeals Board.)*

ACTION: Member Lowry reported that he had attended a recent meeting of the California Chamber of Commerce and enjoyed talking with the members about the Board's regulations and procedures.

**EXECUTIVE OFFICER'S REPORT:**

*(Report regarding administrative matters and news from the Department and Appeals Board.)*

ACTION: Acting Executive Officer Johnson updated the Board on several topics, including the ongoing ORACLE and West Covina projects. The testing of the new information platform that will eventually replace the old ORACLE system is going well and has been given top priority by our staff. She also reported on the recent annual ALJ training session, which involved both the Northern and Southern California judges via teleconference. She noted that the public notice of the Executive Officer position has been posted.

**STAFF REPORTS:**

*(Reports from the Presiding ALJ and the Chief Counsel regarding matters from the Hearing Operations and Legal Units.)*

ACTION: Chief Counsel Mojcher reported that Preston Pipelines has filed a writ.

**PUBLIC COMMENT:**

*(Public comment will be entertained during the discussion of each agenda item of the Open Meeting.)*

ACTION: Marti Fisher, of the California Chamber of Commerce, thanked Member Lowry for attending the Chamber's recent meeting. She asked if the recent public responses to the Board's comment period would be posted on the website, and was assured that they would be. She also expressed the opinion that the Board's minutes should contain more detail about the items discussed during the meetings.

The Board recessed to its Closed Session.

**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

BIG LOTS #4038, 11-R3D2-1929 THROUGH 1931

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Member Freyman seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge

BRAND ENERGY SERVICES OF CALIFORNIA, INC., 12-R5D3-1099

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Member Freyman seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge

GLOBAL MODULAR, INC., 11-R2D2-2707 THROUGH 2708

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge as amended. Member Freyman seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge as amended.

KIMBERLY PFENDLER MARITAL TRUST DBA PFENDLER RANCHES,  
12-R1D5-0295

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Member Freyman seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge

LOS ANGELES HARBOR GRAIN TERMINAL, 11-R3D5-2439

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Member Freyman seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge

McCARTHY BUILDING COMPANIES, INC., 11-R4D2-1706 AND 2046

ACTION: Member Lowry moved that the Board reconsider this Decision of an Administrative Law Judge on its own motion. Member Freyman seconded the motion. The Board voted to reconsider this Decision of an Administrative Law Judge on its own motion.

MID-COAST BUILDERS SUPPLY, INC., DBA MID-COAST BUILDERS, INC.,  
11-R4D3-2779 AND 2780

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Member Freyman seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge

SAFEWAY, INC., 12-R1D3-0908 AND 0909

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Member Freyman seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge

LYNDOL GORDON SWARTZ INDIVIDUAL DBA LYNDOL GORDON SWARTZ,  
11-R2D3-0600 AND 0601

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Member Freyman seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge

US ALL GLASS INC., 12-R2D1-1379

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Member Freyman seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge

Following discussion of the Decisions above, Chair Carter left the meeting after appointing Member Ed Lowry as Chairperson for the duration of the meeting. He also appointed Acting Executive Officer Kari Johnson as alternate member for the duration of the meeting.

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

27<sup>TH</sup> STREET BAKERY (SHOP) INC., 12-R6D2-0247 AND 0248  
AIRCRAFT FOUNDRY CO INC., 12-R6D2-0685 THROUGH 0687  
ALEX NURSERY, 12-R3D2-0320  
ALL FAB PRECISION SHEETMETAL, 12-R1D3-1692  
PAUL AMATO DBA PAUL'S LIVE FROM NEW YORK, 11-R2D1-2701 AND 2702  
AMPAC FINE CHEMICALS, LLC, 12-R6D3-1687 \*  
ARCHIVES MAN. CORP. DBA SECRETS ADULT SUPER STORE, 12-R1D4-3384  
AND 3385 \*  
ARCHIVES MAN. CORP. DBA SECRETS ADULT SUPER STORE, 12-R1D4-3386  
AND 3387  
ARNABAL INTERNATIONAL, 11-R6D2-3124 THROUGH 3126 \*  
ARTISTIC HOMES, INC., 12-R1D4-2067  
ARTISTRY CUSTOM CABINETS INC., 11-R3D2-3180

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ASHLEY FURNITURE INDUSTRIES INC., 12-R3D3-2920  
ASON METAL PRODUCTS INC., 12-R6D2-0182 THROUGH 0190  
A. TEICHERT & SON DBA TEICHERT AGGREGATES, 12-R5D1-2330 \*  
AZEVEDO FEED, INC., 12-R2D2-1312  
BARRETT BUSINESS SERVICES, INC., 12-R4D3-1036  
BAY CITY FLOWER COMPANY, INC., 12-R6D7-2293  
BELFOR USA GROUP INC. DBA BELFOR PROPERTY RESTORATION,  
11-R3D2-3151 \*  
BILL WHITLEY PAINTING & DRYWALL, INC., 12-R2D1-3460 AND 3461  
BUBBLES CAR WASH CORP DBA BUBBLES CAR WASH & DETAIL, 12-R2D1-3666  
BUTTE CO RICE GROWERS ASSOC DBA BUCRA, 12-R6D3-2138  
CAMARILLO RECYCLING, INC., 12-R4D3-1133 AND 1134  
CARAN PRECISION ENGINEERING & MFG. CORP., 12-R3D1-1530 AND 1531  
CAROLE IN YOUR KITCHEN BAKERY CAFÉ, 11-R2D1-2432  
CENTRAL VALLEY FARMS SERVICES, 12-R2D4-2183  
CITY OF SIGNAL HILL DEPT. OF PUBLIC WORKS WATER DIV., 11-R3D5-2064  
CM LAUNDRY LLC, 11-R6D2-2284 THROUGH 2287  
COASTAL INTERNATIONAL, INC., 11-R1D1-2452  
DREWICKE BUILDERS, INC., 12-R2D2-0298 \*  
EARTHGRAINS BAKING COMPANIES, INC., 12-R6D1-0593  
EAST BAY MUNICIPAL UTILITY DISTRICT, 11-R1D4-0135 THROUGH 0136  
EAST COUNTY DEVELOPMENT, INC., 11-R3D2-0311 THROUGH 0318  
ECKERT ELECTRIC, 12-R3D2-2749 and 2750  
ELBOW FARM SUPPLY, INC., 12-R6D3-1780 THROUGH 1783 \*  
ESCALON PREMIER BRANDS, 12-R2D4-2070  
ESPANA METAL CRAFT INC., 12-R6D2-0972  
ESPARZA ENTERPRISES, INC., 11-R2D4-3289 AND 3290  
ESPARZA ENTERPRISES, INC., 11-R2D4-3294 AND 3295  
ERS INDUSTRIAL SERVICES, INC., 11-R3D2-3152  
FERRARINI USA, INC., 12-R4D3-2781 AND 2782  
FIJI ROX INC., DBA LSV CARTS, 12-R3D1-1676 AND 1677  
FLOTEK, INC., 12-R4D3-1503 AND 1504 \*  
FOSTER RANCH LP, 11-R2D1-2845  
FRESENIUS MEDICAL CARE DIABLO, 12-R2D2-2087  
PETER FRIEL/FM CONSTRUCTION, 11-R1D1-1832 THROUGH 1834  
EDWARD F. GEORGE DBA THE PEACH FARM, 11-R2D1-2923  
GILLS ONIONS, LLC., 12-R4D3-1440  
GOLDEN STATE UTILITY COMPANY, 10-R1D2-1594 THROUGH 1599 \*  
HENRICY CONSTRUCTION OF CALIFORNIA, INC., 12-R3D6-1433 THROUGH 1435  
IMMEDIATE FLOOD RESCUE INC. DBA SERURRO, 12-R6D2-0294  
INTERNATIONAL RECTIFIER, 12-R6D4-1618 \*  
JACOBO PLASTERING INC., 12-R4D2-0996 THROUGH 0999  
J & A FOOD SERVICES, INC DBA BURGER KING, 11-R2D3-0999  
JETT HARVEST, INC., 12-R3D2-1628  
JFC CONSTRUCTION, 12-R1D5-0153  
JOHN BOYD ENTERPRISES, INC., DBA JB RADIATOR SPECIALTIES, INC,

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11-R2D1-2960

JOHN B. SANFILIPPO & SON, INC., 12-R2D4-2262

KAISER PERMANENTE, 12-R3D1-1170 AND 1171

KENT'S BROMELIAD NURSERY, INC., 11-R3D2-2775

PHILIP & DONALD KLINKERT DBA OVAL HEAD, 11-R6D2-2750 THROUGH 2755

LA MESA SPRING VALLEY SCHOOL DISTRICT, 12-R3D2-0528

LARA LABOR CONTRACTORS, 11-R2D2-2358 \*

LA TOURANGELLE, INC., 11-R2D1-2660 THROUGH 2663

MAGNUSON TIRES, INC., 12-R3D3-1570 AND 1571

MASAMI CATTLE RANCH INC., 11-R2D3-2273 THROUGH 2275

M CONSTRUCTION & DESIGN, INC., 12-R1D2-1555 THROUGH 1557

MIDAS AUTO SERVICE, 11-R1D3-2317

MODERN GINNING COMPANY, 12-R3D3-1748

MODIFIED PLASTICS INC., 11-R3D1-2491 AND 2492

MONTEREY MUSHROOM, INC., 12-R6D7-3375

MORTON SMITH ELECTRICAL, INC., 12-R1D5-1859

MOTORCAR PARTS OF AMERICA, INC., 12-R3D5-0896 AND 0897

NATIONAL BLENDING COMPANY, LLC, 11-R5D1-0860

NEPO, INC., 12-R3D6-2049 AND 2050

JORGE OCHOA DBA OCHOA FARM LABOR SERVICES, 12-R6D7-2984

ONG PICK-UP & DELIVERY SERVICE, 12-R6D2-3083 THROUGH 3085

PACIFIC COAST PRODUCERS, 12-R2D3-1695 AND 1696

PACIFIC NATURAL STONE DBA MARMOL EXPORT, 12-R3D2-0642

DON PARKER INDIVIDUAL DBA PARKER BROTHERS CONSTR SERVICES,  
12-R2D3-1381

POM WONDERFUL, 09-R2D5-1401 AND 1402

PORTS AMERICA, 11-R6D2-2809 AND 2810

PROFESSIONAL TREE SERVICE, 12-R2D3-1448

QUALITY TUNE-UP #9, 12-R2D4-2396

REAL GOODS ENERGY SOLAR TECH INC., DBA REAL GOODS S,  
12-R2D2-2095 AND 2096 \*

REDWOOD EMPIRE FOOD BANK, 12-R1D5-1345

RICHARD'S PLUMBING INC., 11-R2D5-2611

ROSS DRESS FOR LESS, 12-R6D2-0104 THROUGH 0106

SAAG'S SPECIALTY MEATS, 11-R6D1-3250 THROUGH 3253

SACRAMENTO LOAVES & FISHES, 12-R2D1-3353

SACRAMENTO LOAVES & FISHES, 12-R2D1-3354

SAFEWAY INC., 11-R2D4-0844 AND 0845

SAFEWAY INC., 11-R2D4-1105 THROUGH 1116

SAFEWAY INC., 11-R2D4-1117

SECURE STAFF, 12-R3D3-1681

SHIMMICK CONSTRUCTION CO/OBAYASHI CORP. J.V., 12-R5D2-1000

SIGN TECH ELECTRICAL ADVERTISING INC., 12-R3D2-3320 AND 3321

SOL ENVIRONMENTAL, INC., 12-R6D1-0724 \*

SOUTHLAND/TUTOR PERINI JV, 12-R5D1-2799

SOUTHWEST AIRLINES CO., 11-R1D4-2624

STAR TILE INC., 11-R6D2-2878 AND 2879  
STEHLY GROVE MANAGEMENT, INC., 12-R6D7-2866  
STERICYCLE, INC., 12-R2D1-3266  
STRUCTURAL COMPOSITE INDUSTRIES LLC., 12-R3D6-1455 AND 1456  
SUNFRESH USA, INC., 12-R6D7-2453 THROUGH 2455 \*  
SUNPOL RESINS POLYMERS, INC., 11-R2D2-2356 THROUGH 2357  
SUNRISE LANDSCAPE & TREE, 11-R3D2-2741  
SUNTREAT PACKING & SHIPPING CO., 12-R2D5-1110 AND 1111  
SYSCO SAN FRANCISCO, INC., 12-R6D3-1882  
TOURO UNIVERSITY CALIFORNIA, 12-R2D2-1860 \*  
VENTURA TRANSFER COMPANY, 12-R3D5-1534  
WESTOWER COMMUNICATIONS, 12-R2D5-0942  
XEROX CORPORATION, 11-R3D5-2857

ACTION: Member Freyman moved that the Board approve these Orders of Administrative Law Judges. Member Lowry seconded. Acting Executive Officer Johnson abstained from the vote. The Board voted to approve these Orders of Administrative Law Judges. Orders with asterisks are deemed approved as amended

**ORDER AFTER REMAND:**

1. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR

ACTION: Member Lowry moved that the Board approve this Order of Remand from an Administrative Law Judge. Member Freyman seconded. Acting Executive Officer Johnson abstained from the vote. The Board voted to approve this Order of Remand from an Administrative Law Judge.

**ORDERS DISMISSING APPEALS:**

BAKU CORPORATION DBA ALDER CREEK MILLWORK, 11-R2D1-0759  
HACIENDA PLASTERING, INC., 12-R6D5-1786  
LA TAVERNA, 12-R3D1-1705

ACTION: Member Freyman moved that the Board approve these Orders Dismissing Appeal from Administrative Law Judges. Member Freyman seconded. Acting Executive Officer Johnson abstained from the vote. The Board voted to approve these Orders Dismissing Appeal from Administrative Law Judges.

**STIPULATION & SETTLEMENT AGREEMENTS:**

1. LFP VIDEO GROUP LLC DBA HUSTLER VIDEO, 11-R6D2-0966  
THROUGH 0968

ACTION: This item was placed on the agenda in error.

**MATTERS HELD OVER FROM PREVIOUS MEETINGS:**

*(If the Board is unable to conclude its deliberations and/or if any matter(s) is (are) put over from a previous meeting, they will be further discussed.)*

SOUTHERN CALIFORNIA EDISON, 12-R3D3-0499  
(Petition for Reconsideration)

ACTION: Member Freyman moved that the Board grant this Petition for Reconsideration. Member Lowry seconded. The Board voted to grant this Petition for Reconsideration.

**PETITIONS FOR RECONSIDERATION**

1. HOFFMAN FOOD MANAGEMENT CO., LLC, 12-R6D7-9156

ACTION: Member Freyman moved that the Board vote to accept the Legal Unit's recommendation to deny this Petition for Reconsideration. Member Lowry seconded. Acting Executive Officer Johnson abstained from the vote. The Board voted to accept the Legal Unit's recommendation to deny this Petition for Reconsideration.

2. K H S & S OF CONCORD, INC., 11-R2D2-0374 AND 0375

ACTION: Member Freyman moved that the Board hold this matter over until the next meeting for discussion. Member Lowry seconded. Acting Executive Officer Johnson abstained from the vote. The Board voted to hold this matter over until the next meeting.

3. ORANGE COUNTY FIRE AUTHORITY, 12-R3D1-0364

ACTION: Member Freyman moved that the Board vote to accept the Legal Unit's recommendation to grant this Petition for Reconsideration. Member Lowry seconded. Acting Executive Officer Johnson abstained from the vote. The Board voted to accept the Legal Unit's recommendation to grant this Petition for Reconsideration.

4. RONALD D. LITTLE DBA AAA TREE SERVICE, 11-R2D1-1499

ACTION: Member Freyman moved that the Board vote to accept the Legal Unit's recommendation to deny this Petition for Reconsideration. Member Lowry seconded. Acting Executive Officer Johnson abstained from the vote. The Board voted to accept the Legal Unit's recommendation to deny this Petition for Reconsideration.

5. SIERRA FOREST PRODUCTS, 09-R2D5-3979

ACTION: Member Freyman moved that the Board hold this matter over until the next meeting for discussion. Member Lowry seconded. Acting Executive Officer Johnson abstained from the vote. The Board voted to hold this matter over until the next meeting.



6. STEVEN EARL WILLIAMS DBA WEST COAST CONSTRUCTION,  
11-R3D6-1700

ACTION: Member Freyman moved that the Board vote to accept the Legal Unit's recommendation to deny this Petition for Reconsideration. Member Lowry seconded. Acting Executive Officer Johnson abstained from the vote. The Board voted to accept the Legal Unit's recommendation to deny this Petition for Reconsideration.

**DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):**

1. FOSTER DAIRY FARMS, 10-R2D1-1981
2. JACOV HERSCU DBA JACK'S GENERAL CONTRACTING, 11-R1D4-1725 -1729

ACTION: Member Freyman moved that the Board vote to approve these draft Denials of Petitions for Reconsideration for signature. Member Lowry seconded. Acting Executive Officer Johnson abstained from the vote. The Board voted to approve these draft Denials of Petitions for Reconsideration for signature.

**MATTERS PENDING RECONSIDERATION:**

*(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)*

A-1 PROTECTIVE SERVICES, INC., 10-R1D1-1592  
AC TRANSIT, 08-R1D4-0135  
AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786  
ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655  
BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963  
BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239  
THROUGH 2241  
BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445  
AND 3448  
BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563  
CALIFORNIA ERECTORS, INC., 10-R1D2-2772 THROUGH 2775  
C.C. MYERS, INC., 08-R1D1-952 THROUGH 955  
CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282  
COFFMAN SPECIALTIES, INC., 10-R3D3-3532  
COMMERCIAL METAL FORMING, 09-R3D1-1592  
COMMUNITY RECONSTRUCTION SOLUTIONS, INC., 11-R1D1-1484  
CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960  
COUNTY OF ALAMEDA, GENERAL SERVICES AGENCY, 11-R1D4-3064  
CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387  
CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038  
DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362  
EZ MIX, INC., 08-R4D3-1898  
GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3687

HYDRO-SCIENCE OPERATIONS INC., 10-R1D2-0389  
IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272  
IRWIN INDUSTRIES, 08-R6D4-1454  
LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844  
LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714  
LION RAISINS, INC., 08-R2D5-2253 AND 2254  
L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822  
M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223  
MARINE TERMINALS, 08-R6D2-1920  
MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298  
NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791  
ORANGE COUNTY FIRE AUTHORITY, 12-R3D1-0364  
OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022  
PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864  
PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING,  
INC., 08-R2D1-0025 AND 0026  
PERSONNEL PLUS, INC., 11-R3D5-1302  
ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048  
JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710  
SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055  
SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025  
SMUD, 08-R2D1-4887 THROUGH 4889  
MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414  
THROUGH 3418  
SOUTHLAND-TUTOR-PERINI JOINT VENTURE, 11-R5D1-3248  
STAFFCHEX, 10-R4D3-2456 THROUGH 2458  
SUNRISE GROWERES FROZ SUN FOODS, 09-R4D3-2850  
A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443  
TL PALVICH CONSTRUCTION, INC., 11-R3D6-1303 THROUGH 1310  
VAN EVERY CONSTRUCTION, INC., 11-R1D4-0936 AND 0937

**LEGISLATION:**

ACTION: No report.

**PENDING LITIGATION:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

1. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
2. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)

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3. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
4. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430 (09- 9280/9281)
5. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-80006047 (07-R5D1-3611)
6. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
7. SMUD, 34-2010-80000723 (08-R2D1-4887)
8. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
9. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
10. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965 (10-0188~0191)
11. GUILLAUME GRAPEVINE NURSERY, INC., 34-2011-800001010 (08-R2D1-3273)
12. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459 THROUGH 2461)
13. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
14. HOLLANDER HOME FASHION, BS-135444 (10-R4D2-3704)  
ACTION: Chief Counsel Jeff Mojcher reported that this case was decided last week in a Los Angeles court and the judge ruled in favor of the Board.
15. SECA EQUIPMENT REMOVAL & DISMANTLING, INC., 12CV01039 (07-R2D3-0275)
16. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
17. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
18. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
19. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
20. SHERWOOD MECHANICAL, INC., 37-2012-00101466 (08-R3D2-4690 ~ 4693)
21. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219)

AND 0220)

22. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
23. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
24. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
25. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
26. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
27. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
28. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
29. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
30. A. TEICHERT & SON, DBA TEICHERT AGGREGATES, RG12 659881 (10-R5D1-3029)

**PERSONNEL:** *(Issues regarding staff)*

ACTION: Acting Executive Officer Kari Johnson discussed personnel matters.

The Closed Session adjourned at 12:43 p.m. and the Board returned to the Public Meeting. The Appeals Board incorporated by reference its ACTIONS in the Closed Session, as indicated above. The meeting was adjourned at 12:45 p.m.